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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,663

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Sebastien Fraleu

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EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2427

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,663	<b>Applicant(s)</b> FRALEU ET AL.	
	<b>Examiner</b> JEREMY DUFFIELD	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai (US 7,516,467) in view of Florin (US 5,621,456).

Regarding claim 1, Arai teaches a method for constructing a list of services in a receiver suitable for receiving audio and/or video digital services (Fig. 14, 29, 33, 51a, 51b), comprising:

means of storage of a first list of available services in which each service possesses a unique identifier, i.e. Services Description Table contains the transport stream ID and the service ID and Program Association Table containing Program IDs (Fig. 3, 12, 40, 41; Col. 28, line 40-Col. 29, line 10),

wherein the method comprises the steps of:

(a) recovery of a second list of services comprising for each service the unique identifier and at least one value of selection criterion, i.e. Event Information Table (EIT) includes the transport stream ID, the service ID and genre information (Fig. 3, 4, 12, 42-44; Col. 19, lines 3-40; Col. 23, lines 17-43);

(b) determination of at least one selection criterion, i.e. a user selects a particular program attribute or genre (Col. 31, line 39-Col. 32, line 20; Col. 32, line 35-Col. 33, line 10).

Arai does not clearly teach determination of a subset of the list of services as a function of at least one selection criterion; (c) creation of said list of favorite services on the basis of the common services between the first list of available services and the subset of the second list of services.

Florin teaches a method for constructing a list of favorite services in a receiver suitable for receiving audio and/or video digital services (Col. 10, lines 46-63; Col. 11, lines 1-28; Col. 18, lines 9-35), comprising:

determination of a subset of a list of services as a function of at least one selection criterion, i.e. redacted program guide with only programs related to the selected category (Col. 18, lines 9-35; Col. 18, line 61-Col. 19, line 49);

creation of said list of favorite services on the basis of the common services between a first list of available services and the subset of the list of services, i.e. program guide with all programs is filtered to only include programs from the selected category (Col. 18, lines 9-35; Col. 19, lines 25-49; Col. 20, lines 1-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai to include determination of a subset of the list of services as a function of at least one selection criterion and creation of said list of favorite services on the basis of the common services

between the first list of available services and the subset of the second list of services, using the well-known method of filtering a list of programs based on a user-selected category in order to produce a listing of programs in that category in combination with the program tables taught by Arai, for the purpose of providing a more user-friendly mechanism for consumers to view, record, and play back TV and A/V programs (Florin-Col. 2, lines 15-33).

Regarding claim 2, Arai in view of Florin teaches in which the first list of services is a list of the services available in the digital streams actually received by the receiver, i.e. the SDT includes data on programs currently being received (Arai-Col. 19, lines 3-40; Col. 23, lines 17-43; Florin-Col. 18, lines 9-35).

Regarding claim 3, Arai in view of Florin teaches the second list comprises at least the services potentially receivable by the receiver and in that the first list is a subset of the second list, i.e. the EIT includes data on programs that will be received in the future as well as currently received (Arai-Col. 19, lines 3-40; Col. 23, lines 17-43).

Regarding claim 4, Arai in view of Florin teaches wherein the selection criterion of step (b) is a selection criterion or a logical combination of selection criteria entered by a user on the basis of the criteria of the second list (Arai-Col.

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31, line 39-Col. 32, line 20; Col. 32, line 35-Col. 33, line 10; Florin-Col. 18, lines 9-35).

Regarding claim 5, Arai in view of Florin teaches wherein step (b) comprises a step for determining a default criterion or a logical combination of default selection criteria, e.g. a user selects an attribute/genre/category (Arai-Col. 31, line 39-Col. 32, line 20; Col. 32, line 35-Col. 33, line 10; Florin-Col. 18, lines 9-35).

Regarding claim 6, Arai in view of Florin teaches wherein steps (b) and (c) are repeated for several default selection criteria or logical combinations of default selection criteria to create a plurality of default favorite services lists, e.g. movies listing, sports listing, etc (Florin-Col. 18, lines 9-35).

Regarding claim 7, Arai in view of Florin teaches the second list is: - sent by transmission on a channel able to be received by the receiver; - accessible in the receiver by downloading from a remote server; or - embedded in the receiver (Arai-Col. 28, lines 26-46; Col. 28, line 64-Col. 29, line 10; Florin-Col. 10, lines 45-67).

Regarding claim 8, Arai in view of Florin teaches the first list is extracted from stream description tables included in the stream or streams actually

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received by the receiver, the said stream description tables indicating the services transmitted in the received stream or streams (Arai-Fig. 3, 4, 12, 40, 41; Col. 19, lines 3-40; Col. 23, lines 17-43).

Regarding claim 9, Arai in view of Florin teaches a step of updating at least one from among the first and the second list by transmission in a stream able to be received by the decoder or by downloading from a server (Arai-Col. 28, line 27-Col. 29, line 10).

Regarding claim 10, claim is analyzed with respect to claim 1. Arai in view of Florin further teaches means of storage of a second list of services (Arai-Col. 28, lines 27-63).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8 Sept. 2009

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427